Serial No.: 09/824,580

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of

Joseph D. Rutledge, *et al.*

Docket No.: YOR9-2000-0724US1

Serial No.: 09/824,580

Group Art Unit: No.: 2645

Filed: April 3, 2001

Examiner: Elahee, MD S

For: **TELEPHONE ANSWERING SYSTEM WITH COURTESY GREETING SELECTABLE AFTER CALL IS RECEIVED**

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Technology Center 2600

DECLARATION UNDER 37 C.F.R. §1.131

Sir:

We, Joseph D. Rutledge and Charles P. Tresser do hereby declare:

1.   We are co-inventors of the subject matter disclosed and recited in independent claims 1, 5, 10 and 14 (and the claims dependent therefrom) of the above-identified application.

2.   We completed the invention of claims 1, 5, 10 and 14 (and those claims dependent therefrom) in the United States before November 22, 2000, as evidenced below.

CONCEPTION

3.   Before November 22, 2000, we conceived of a telephone answering system and method that allows a recipient to selectively respond to a caller as disclosed in the present specification and recited in at least independent claims 1, 5, 10 and 14 of the application, of which is evidenced by IBM Disclosure attached hereto (hereinafter referred to as the Invention Disclosure). The Invention Disclosure attached hereto is a

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photocopy of and is identical to the original, except that all pertinent dates have been removed therefrom.

4.   All pertinent dates removed from the Invention Disclosure attached hereto are before November 22, 2000.

5.   As evidenced in the Invention Disclosure and additional document, the system and method for a selective call greeting system provides for selectively responding to a caller with one of n greetings, the system comprising at least:

a. a telephone,

b. means for producing n greetings where n is an integer of one or greater, and

c. means for selecting one of said n greetings after said telephone has begun to ring.

6.   As further evidenced in the Invention Disclosure, the system and method further include a system that provides at least:

a. a telephone,

b. means for producing a plurality of greetings,

c. greeting button on said telephone for selecting one of said plurality of greetings after said telephone has begun to ring,

d. means for disabling a ringer on said telephone in response to said greeting button being pushed, and

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e. means for playing a selected greeting to the caller, said selected message corresponding to a number of times said greeting button was pushed.

7. As further evidenced in the Invention Disclosure, the system and method further include a method for spontaneously selecting a greeting to be played to the caller, comprising at least:

a. receiving a telephone call,

b. pushing a greeting button on said telephone after said telephone has begun to ring,

c. stopping said telephone from ringing,

d. counting a number of times, n, said greeting button is pressed, and

e. selecting a greeting to be played for a caller as a function of n, said selected greeting instructing the caller that the telephone call cannot be taken at this time and further containing information instructing the caller to hold or information regarding a time for a return call.

8. As further evidenced in the Invention Disclosure, the system and method further include a computer readable medium comprising code for providing a telephone with a user selected greeting function, said code implementing the steps of:

a. designating a button on a telephone as a greeting button,

b. detecting a received telephone call,

c. stopping said telephone from ringing if said greeting button has been pressed after said telephone has begun to ring, and

d. detecting number n of times said greeting button was pressed on said telephone after said telephone has begun to ring, and

e. selecting a greeting to be played for a caller as a function of n, said selected greeting instructing the caller that the telephone call cannot be taken at this time and further containing information instructing the caller to hold or information regarding a time for a return call.

9.   The benefits and features of the invention are shown and described in the Invention Disclosure.

DUE DILIGENCE

10.   Prior to November 22, 2000, the inventors submitted the Invention Disclosure and additional document to IBM counsel for review and preparation of a patent application.

11.   Prior to November 22, 2000, IBM counsel conveyed the Invention Disclosure and additional document to patent counsel at McGuireWoods, LLP for preparation of a patent application.

12.   Prior to the filing of the present application in the U.S. Patent Office, McGuireWoods counsel prepared a draft application and sent the draft to Inventor Rutledge. Inventor Rutledge communicated with patent counsel at McGuireWoods LLP, on behalf of all of the inventors, in perfecting a patent application based on the Invention Disclosure and additional document. For example, communications took place at least on February 16, 2001, March 27, 2001 and March 28, 2001 when a final application was

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completed encompassing the invention as described in the attached Invention Disclosure and claimed in the present application.

13.   During this time and prior to November 22, 2000, we worked diligently on providing information to IBM in-house counsel and counsel at McGuireWoods, and preparing the patent application for filing in the U.S. Patent Office. All of the inventors were involved in reviewing and finalizing the application for the present invention prior to the filing of the above-identified application.

14.   We worked diligently on the preparation of the patent application with patent counsel at McGuireWoods until a final draft patent application was completed to our satisfaction. A final draft was forwarded to us by then McGuireWoods counsel Kevin Reif on March 28, 2001, who filed the application, on our behalf, on April 3, 2001. At all times, we worked diligently to finalize the application for filing in the U.S. Patent and Trademark Office from prior to November 22, 2000 to the filing date of the finalized application on April 3, 2001.

15.   We declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.
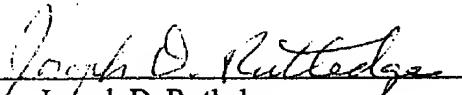
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Joseph D. Rutledge   11/10/04   Date
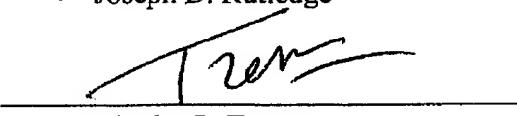
_____   _____
Charles P. Tresser   11/12/2004   Date

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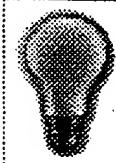
Disclosure

Created By: Charles Tresser   **Created On:**
Last Modified By: Charles Tresser   **Last Modified On:**

*** IBM Confidential ***   PPm ~~600~~ 400

Required fields are marked with the asterisk (*) and must be filled in to complete the form .

Summary

Status	Submitted
Processing Location	YOR
Functional Area	600 Kovac-Services, Applications & Solutions
Attorney/Patent Professional	Stephen C Kaufman/Watson/IBM
IDT Team	Stephen C Kaufman/Watson/IBM
Submitted Date	
Owning Division	RES Add/Change
PVT Score	To calculate a PVT score, use the 'Calculate PVT' button.
Lab	
Technology Code	
Incentive Program	

Inventors with Lotus Notes IDs

Inventors: Joe Rutledge/Watson/IBM, Charles Tresser/Watson/IBM

Inventor Name > denotes primary contact	Inventor Serial	Div/Dept	Manager Serial	Manager Name
Rutledge, Joseph D	280004	22/G7GA	299495	Abrams, Steven
Tresser, Charles P	508807	22/X8MA	026793	Pulleyblank, William R.

Inventors without Lotus Notes IDs

IDT Selection

IDT Team:	Attorney/Patent Professional:
Stephen C Kaufman/Watson/IBM	Stephen C Kaufman/Watson/IBM

Main Idea

*Title of disclosure (in English)
"Hang on a moment, I'll be right with you"

*Idea of disclosure
1. Describe your invention, stating the problem solved (if appropriate), and indicating the advantages of using the invention.

Frequently a cell phone (or even a wired phone) may ring at a time when it is highly inconvenient to respond to it - when the user is in a very noisy place, or involved in an activity which cannot be conveniently interrupted. Even the continued ringing of the phone may be disruptive, and the user does not wish to miss the call, or bluntly refuse the call by immediately hanging up on the caller. We propose a mechanism whereby the user, by a minimal action such as pressing a button on the phone, sends a message to the caller that the call is welcome and will either be taken very soon, or will be returned with a specified delay. A range of implementations is proposed, using existing "phone mail" facilities to the extent that they are

available.

2. How does the invention solve the problem or achieve an advantage,(a description of "the invention", including figures inline as appropriate)?
The object of the inventions is to allow the user to assure a caller that an incoming call is welcome, and will be responded to soon but not immediately, with little or no interruption of the user's immediate activities.
The user takes a minimal action - e.g. pressing a dedicated button on the instrument once or several times.
The caller receives a voice message (optionally in the user's recorded voice), corresponding to the number of presses. Typically, the response for one press would be something like "Hold on a moment, I'll be right with you." . For n presses, it might be "I'm sorry, I can't pick up the phone right now, but please leave your number and I'll call back in ((n-1) x 10) minutes.", or, if Caller ID is functioning, " . . . , but I'll call you back in (n x 10) minutes at (number from Caller ID), or leave a message."

3. If the same advantage or problem has been identified by others (inside/outside IBM), how have those others solved it and does your solution differ and why is it better?
So far as we know, this problem has not been addressed elsewhere

4. If the invention is implemented in a product or prototype, include technical details, purpose, disclosure details to others and the date of that implementation.

*Critical Questions (Questions 1 - 7 must be answered)

*Question 1
On what date was the invention workable? 11/08/99 **Please format the date as MM/DD/YYYY** (Workable means i.e. when you know that your design will solve the problem)

*Question 2	Yes ◯ / No ●
Is there any planned or actual publication or disclosure of your invention to anyone outside IBM?	
If yes, Enter the name of each publication or patent and the date published below. Publication/Patent: Date Published or Issued:	
Are you aware of any publications, products or patents that relate to this invention?	Yes ◯ / No ●
If yes, Enter the name of each publication or patent and the date published below. Publication/Patent: Date Published or Issued:	

*Question 3	Yes ◯ / No ●
Has the subject matter of the invention or a product incorporating the invention been sold, used internally in manufacturing, announced for sale, or included in a proposal?	
Is a sale, use in manufacturing, product announcement, or proposal planned?	Yes ◯ / No ●
If Yes, identify the product if known and indicate the date or planned date of sale, announcements, or proposal and to whom the sale, announcement or proposal has been or will be made. Product: Version/Release: Code Name: Date: To Whom: If more than one, use cut and paste and append as necessary in the field provided.	

*Question 4
Was the subject matter of your invention or a product incorporating your invention used in public, e.g., outside IBM or in the presence of non-IBMers?

○ Yes
● No

If yes, give a date.   **Please format the date as MM/DD/YYYY**

*Question 5
Have you ever discussed your invention with others not employed at IBM?

○ Yes
● No

If yes, identify individuals and date discussed. Fill in the text area with the following information, the names of the individuals, the employer, date discussed, under CDA, and CDA #.

*Question 6
Was the invention, in any way, started or developed under a government contract or project?

○ Yes
● No
○ Not sure

If Yes, enter the contract number

*Question 7
Was the invention made in the course of any alliance, joint development or other contract activities?

○ Yes
● No
○ Not Sure

If Yes, enter the following :Name of Alliance, Contractor or Joint Developer
Contract ID number
Relationship contact name
Relationship contact E-mail
Relationship contact phone

Question 8
Have you submitted, or are you aware of, any related disclosure submission?

○ Yes
● No

If Yes, please provide the title and docket or disclosure number below:

Question 9
What type of companies do you expect to compete with inventions of this type? *Check all that apply.*
☐ Manufacturers of enterprise servers
☐ Manufacturers of entry servers
☐ Manufacturers of workstations
☐ Manufacturers of PC's
☒ Non-computer manufacturers
☐ Developers of operating systems
☐ Developers of networking software
☐ Developers of application software
☐ Integrated solution providers
☐ Service providers
☒ Other (Please specify below)
Manufacturers of cell phones and thelphone systems generally.

Patent Value Tool (Optional - this may be used by the Inventor and attorney to assist with the evaluat

(The Patent Value tool can be used by you or the evaluation team to determine the potential licensing value of your invention.)

The **Patent Value Tool** has not yet been used to calculate a score.

Post Disclosure Text & Drawings

(Form Revised